

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

BRANCH BANKING AND TRUST COMPANY.

Case No. 2:11-cv-01778-APG-VCF

ORDER

Plaintiff.

v.

D.M.S.I., L.L.C., et al.,

Defendants.

On May 16, 2013, Magistrate Judge Cam Ferenbach entered his Report and Recommendation [Dkt. #74] recommending that Defendants' Amended Motion to Extend Deadline to Amend Answer and For Leave to File Amended Answer and Counterclaim [Dkt. #54] be denied. On June 3, 2013, Defendants filed their Objection [Dkt. #79] to that Recommendation. On June 20, 2013, Plaintiff filed its Response [Dkt. #88] to Defendants' Objection.

Defendants' Objection is incorrectly based upon LR-IB 3-2. That Rule addresses recommendations of a Magistrate Judge made pursuant to LR-IB 1-4, 1-5, 1-6, and 1-7. However, because Magistrate Judge Ferenbach's Recommendation is a determination of a pretrial matter not specifically enumerated as an exception in 28 U.S.C. § 636(b)(1)(A), it is a determination made pursuant to LR-IB 1-3. Accordingly, review of that Recommendation is based upon LR-IB 3-1. Because Magistrate Judge Ferenbach's

1 Recommendation is not "clearly erroneous or contrary to law," it is hereby affirmed.¹ For
2 the foregoing reasons, Defendants' Objection to the May 16, 2013 Report and
3 Recommendation is hereby DENIED. The Report and Recommendation [Dkt. #74] is
4 affirmed in its entirety.

5 Dated: June 21, 2013

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE

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25 _____
26 ¹ Even if review of the Recommendation was made pursuant to LR-IB 3-2, a *de*
27 *novo* determination of that Recommendation still would lead to the affirmation of the
28 Recommendation. The facts and arguments set forth in Plaintiff's Response [Dkt. #88]
are persuasive and would be adopted by the Court. Particularly, Defendants' primary
excuse for missing the applicable deadline is that Defendants and their counsel were
very busy. This does not constitute "good cause" pursuant to Fed. R. Civ. P. 16.